



#10/5-3-00
V. Jones
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DANIEL L. AUCLAIR et al.

Serial No.: 08/908,265

Filed: August 7, 1997

For: SOFT ERRORS HANDLING IN
EEPROM DEVICES

Group Art Unit: 2784

Examiner: E. L. Moise

San Francisco, California

TC 2700 MAIL ROOM
APR 25 2000

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Assistant Commissioner of Patents

Washington, D.C. 20231

CERTIFICATE OF MAILING

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Brenda J. Dolly

Brenda J. Dolly Apr. 18, 2000

Signature

Date

RESPONSIVE AMENDMENT

Sir:

In response to the Office Action dated January 20, 2000, in the above-identified patent application, please cancel original application claims 1-34, without prejudice.

Since the judicially created doctrine of double patenting over patent no. 5,657,332 is limited to some of claims 1-34, their cancellation renders this rejection moot, so nothing further needs to be said concerning it.

This then leaves claims 35-44 which are exact or substantial copies of respective claims 37, 38, 40-43, 20, 23, 26 and 27 of U.S. patent no. 5,652,720 to Aluas et al., assigned on its face to SGS-Thompson Microelectronics S.A. The present application is assigned to SanDisk Corporation. The rejection of claims 35-44 on both statutory and non-statutory grounds of double

patenting over a patent that is not commonly owned with the present application, it is submitted, is in error. "Before consideration can be given to the issue of double patenting, there must be some common relationship of inventorship and/or ownership of two or more patents or applications." *Manual of Patent Examining Procedure* (M.P.E.P.), July 1998, Section 804, page 800-10. There is no such relationship between the present application and the cited patent no. 5,652,720.

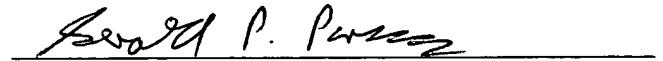
Rather, an interference exists between this application and patent no. 5,652,720 of another. It is suggested that the proper course of action is the declaration of an interference proceeding within the U.S. Patent and Trademark Office, using the present application claim 35 as a single Count. Application claim 35 is an exact copy of claim 37 of patent no. 5,652,720. This claim quite broadly defines a memory device which reads its state by application of each of a plurality of read voltages to a terminal of the device. This basic operation is described in the present application as part of correcting for "soft" errors in data stored in non-volatile memory cells. Figure 9, for example, illustrates the reading of a sector of memory cells by setting a voltage V_{PG} on their control gates first to a value V_{SH} and then subsequently to V_{SL} . Those voltage values are shown in Figures 10 and 11 to be different.

The present application is entitled to the benefit of the filing date of its parent application, namely May 20, 1992. The interfering patent no. 5,652,720, on the other hand, claims the benefit of a foreign application filed December 20, 1994. The present application is thus senior in effective filing date by at least 19 months.

A prompt examination of this application and the declaration of an interference are solicited.

Dated: April 18, 2000

Respectfully submitted,



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Atty. Docket: HARI.026US3



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Brenda J. Dolly Apr. 18, 2000

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RESPONSIVE AMENDMENT TRANSMITTAL

Sir:

Transmitted herewith is a Responsive Amendment in the captioned application of which no additional fee is required.

Respectfully submitted,

Dated: April 18, 2000

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